

Montana Department of Natural Resources and Conservation Water Resources Division Water Rights Bureau
ENVIRONMENTAL ASSESSMENT For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: **Steve & Kristy Morgan
4802 Casino Creek Road
Lewistown, MT 59457**
2. Type of action: **Application For Beneficial Water Use Permit No. 41S 30154162**
3. Water source name: **Unnamed Tributary to Casino Creek**
4. Location affected by project:
 - **Point of Diversion: SWSWNW, Sec 16, Twp 14N, Rge 18E**
 - **Place of Use: SWSWNW, Sec 16, Twp 14N, Rge 18E**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The proposed project is to restore one of two historic dams along an unnamed tributary to Casino Creek and install a 7.2 acre stock/fishery reservoir at SWSWNW, Sec 16, Twp 14N, Rge 18E in Lot 001 of the Gould Subdivision in Fergus County. The restored dam will include overflow drainage and a pipe for aeration and overflow management. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Fish, Wildlife, & Parks – Online
Montana Bureau of Mines and Geology -- Online
Montana Natural Heritage Program -- Online
USDA Web Soil Survey -- Online
USFWS Environmental Online System -- Online
Montana Department of Environmental Quality – online

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Casino Creek is not listed as chronically or periodically dewatered by DFWP. The installation of this fishery reservoir will allow for the tributary to Casino Creek to continue flowing into Casino Creek when the reservoir is full, and the permit has contingencies in place for allowing water out when it is not and is needed downstream. The proposed project is unlikely to affect water quantity.

Determination: No significant impact.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Casino Creek is listed as having one or more beneficial uses impaired or threatened. However, it is unlikely that the installation of a fishery reservoir will affect water quality in any way.

Determination: No significant impact.

Groundwater - Assess if the proposed project impacts groundwater quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

This application is for use of surface water and will likely have no effect on groundwater quality or supply.

Determination: No significant impact.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

This application proposes to repair an old dam and install a fishery reservoir. This is unlikely to affect channel or flow downstream but will slow upstream channel flow until the reservoir is full or water is allowed out otherwise.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater,

assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

The Montana Natural Heritage Program identified the following as Species of Concern, both plants and animals, in the proposed area of this project:

- Animals
 - Great Blue Heron (*Ardea herodias*)
 - Veery (*Catharus fuscescens*)
 - Westslope Cutthroat Trout (*Oncorhynchus clarkii lewisii*)
- Plants
 - There are no threatened or endangered plants in Twp 14N, Rge 18E

This application proposes to install a fishery reservoir approximately 0.8 miles downstream from the headwaters of an unnamed tributary to Casino Creek. This should not have any adverse impact on fish or wildlife. There will be no barrier to migration or movement, and no threat to threatened or endangered wildlife or other species of concern.

Determination: No significant impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

There are no wetlands within the area of the proposed project.

Determination: No significant impact.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

There are no ponds currently within the area of the proposed project.

Determination: No significant impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

The proposed project's installation of a fishery reservoir should have no impact on soil quality or stability. The local soils are not heavy in salts that could cause saline seep.

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

No vegetation was listed as endangered or threatened by the USFWS for the project area. The control of noxious weeds is the responsibility of the property owner.

Determination: No significant impact.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

There are no pumps being used in this project and there should be no adverse effect on air quality.

Determination: No significant impact.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

N/A - Project not located on State or Federal Lands.

Determination: No significant impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

There do not appear to be any other potential impacts on environmental resources, be they land, water, or energy.

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

There are no known local environmental plans or goals in this area.

Determination: No significant impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

This project will have no significant impact on recreational or wilderness activities as it is on private property.

Determination: No significant impact.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

This project will have no significant impact on human health.

Determination: No significant impact.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No_**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

There are no additional government regulatory impacts on private property rights associated with this application.

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **No significant impact.**
- (b) Local and state tax base and tax revenues? **No significant impact.**
- (c) Existing land uses? **No significant impact.**
- (d) Quantity and distribution of employment? **No significant impact.**
- (e) Distribution and density of population and housing? **No significant impact.**
- (f) Demands for government services? **No significant impact.**
- (g) Industrial and commercial activity? **No significant impact.**
- (h) Utilities? **No significant impact.**
- (i) Transportation? **No significant impact.**
- (j) Safety? **No significant impact.**
- (k) Other appropriate social and economic circumstances?

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts: There are no secondary impacts identified.

Cumulative Impacts: There are no cumulative impacts identified.

3. Describe any mitigation/stipulation measures:

No mitigation or stipulation measures are required for this proposed project.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:

There are no alternative actions required for this proposed project.

PART III. Conclusion

1. *Preferred Alternative:* **Issue an authorization for the proposed project.**
2. *Comments and Responses:* **There are no comments or responses associated with this proposed project.**
3. *Finding:*
Yes___ No_**X**_ *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **An EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

Name of person(s) responsible for preparation of EA:

Name: **Anthony Joyce**

Title: **Hydrologist I, Lewistown Regional Office**

Date: **October 7, 2022**